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09/529,672	08/21/2000	Gerd Cornils	3633-489	9683

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EXAMINER

EASHOO, MARK

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/529,672

Applicant(s)

CORNILS ET AL.

Examiner

Mark Eashoo, Ph.D.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 20-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 20-31 and 33-39 is/are rejected.
- 7) ☒ Claim(s) 32, 40 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 21
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 1732

## DETAILED ACTION

*In view of the English translation of DE 43 26 179 A1, prosecution of this application has been reopened because of the rejection set forth below.*

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 7 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by over Walter (DE 43 26 179 A1). *For convenience, the column and line references for Walter refer to the location in the English translation.*

Regarding claims 1-4, and 33-34: Walter teaches the basic claimed process for working a portion of a profiled strand on a window, comprising: a superimposed/overlapped mass of two extruded segments on a window edge(2:24-35 and Fig. 2); shaping the superimposed/overlapped mass with a pressing tool in a pane corner, after extrusion thereof, wherein excess material is forced out of the tool for removal (2:24-35 and 4:36-38). Walter teaches an automated handling unit used to apply two spaced bead having a defined cross-section (4:15-30 and Fig. 2). Since the beads overlap and extend along two sides of the window, it is inherent that the extrusion die/unit is moved away from an extrusion path along a first edge and rotated to the direction and/or path along a second edge.

Regarding claim 5: Walter teaches two profiled extruded beads (Fig. 2). As such, it is inherent that extruded material continues while the automated handling unit or die is being moved.

Regarding claim 7: It is inherent that the pressing tool is in a first position (ie. molds apart) to a second position proximate the superposed/overlapped material (ie. molds together) and that it must be at least partially aligned in some manner to function properly.

Regarding claim 34: Since the beads overlap and extend along two sides of the window, it is inherent that the extrusion die/unit is moved away from an extrusion path along a first edge and rotated to the direction and/or path along a second edge.

Art Unit: 1732

Claims 20-25 and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by over Walter (DE 43 26 179 A1). *For convenience, the column and line references for Walter refer to the location in the English translation.*

Regarding claims 20-22, 25, and 29: Walter teaches the basic claimed process for working a portion of a profiled strand on a window, comprising: a superimposed/overlapped mass of two extruded segments on a window edge(2:24-35 and Fig. 2); shaping the superimposed/overlapped mass with a pressing tool in a pane corner, after extrusion thereof, wherein excess material is forced out of the tool for removal (2:24-35 and 4:36-38).

Regarding claims 23 and 24: Since Walter teaches that excess material is removed and that some stays in the mold during pressing, being formed into the desired shape, it is inherent that first and second portions are formed with the second portion or excess being removed (4:4-38).

Regarding claims 27-28 and 30-31 : Walter also teaches the pressing tool has upper and lower portion with a space for excess extruded material to flow between the upper and lower portions (Fig. 2). It is inherent that the pressing tool is in a first position (ie. molds apart) to a second position proximate the superposed/overlapped material (ie. molds together) and that it must be at least partially aligned in some manner to function properly.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35-37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter (DE 43 26 179 A1) in view of Kunert et al. (US Pat. 5,057,265). *For convenience, the column and line references for Walter refer to the location in the English translation.*

Art Unit: 1732

Regarding claim 35: Walter teaches the basic claimed process for working a portion of a profiled strand, comprising: a superimposed/overlapped mass of two extruded segments (2:24-35); shaping the superimposed/overlapped mass with a pressing tool, after extrusion thereof, wherein excess material is forced out of the tool for removal (2:24-35 and 4:36-38).

Walter is silent about moving a window with extruded profile beads thereon to a location where the pressing tool is located. Since it is common in the art that the extruded profile beads are applied by a moving extrusion head, it appears that the window is not transferred or repositioned after extrusion.

Walter does not specifically teach that the overlap portions are shapeless. Nonetheless, Kunert et al. teaches that when an extrusion head is moved away from the window to terminate the application of the bead, a shapeless mass results ( Figs. 2 and 3). Since the beads of Walter overlap, it is inherent that the upper bead would lose it's profile shape as taught by Kunert et al. If not inherent, then at the time of invention a person of ordinary skill in the art would have found it obvious to have formed a shapeless mass, as taught by Kunert et al., in the process of Walter, and would have been motivated to do so in order not to destroy the first bead by applying the second.

Regarding claims 36, 37, 39 : Walter teaches an automated handling unit used to apply two spaced bead having a defined cross-section (4:15-30 and Fig. 2). Since the beads overlap and extend along two sides of the window, it is inherent that the extrusion die/unit is moved away from an extrusion path along a first edge and rotated to the direction and/or path along a second edge.

Regarding claim 38: Walter teaches a working portion of first and second beads which extend beyond the periphery of the window (Fig. 2).

Claims 6 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter (DE 43 26 179 A1). *For convenience, the column and line references for Walter refer to the location in the English translation.*

Walter teaches the basic claimed process for working a portion of a profiled strand on a window, comprising: a superimposed/overlapped mass of two extruded segments on a window edge(2:24-35 and Fig. 2); shaping the superimposed/overlapped mass with a pressing tool in a pane corner, after extrusion thereof, wherein excess material is forced out of the tool for removal (2:24-35 and 4:36-38).

Walter does not teach using a heated pressing tool. However, heated compression molds are well known in the molding art. At the time of invention a person having ordinary skill in the art would have

Art Unit: 1732

found it obvious to have used a heated pressing tool or compression mold, as commonly practiced in the art, in the process of Walter, for the benefit of aiding the material to flow along the surface of the mold thereby forming a more uniform surface.

Claim 6 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter (DE 43 26 179 A1). *For convenience, the column and line references for Walter refer to the location in the English translation.*

Walter teaches the basic claimed process for working a portion of a profiled strand on a window, comprising: a superimposed/overlapped mass of two extruded segments on a window edge(2:24-35 and Fig. 2); shaping the superimposed/overlapped mass with a pressing tool in a pane corner, after extrusion thereof, wherein excess material is forced out of the tool for removal (2:24-35 and 4:36-38). Walter teaches an automated handling unit used to apply two spaced bead having a defined cross-section (4:15-30 and Fig. 2). Since the beads overlap and extend along two sides of the window, it is inherent that the extrusion die/unit is moved away from an extrusion path along a first edge and rotated to the direction and/or path along a second edge.

Walter is silent about moving a window with extruded profile beads thereon to a location where the pressing tool is located. Since it is common in the art that the extruded profile beads are applied by a moving extrusion head, it appears that the window is not transferred or repositioned after extrusion or would be an obvious variation thereof since moving tools or work-piece to a working location is well known in the molding art.

#### *Allowable Subject Matter*

Claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not teach or render obvious a method of making a profiled strand on a window and automatically bring from rest a mobile/pressing tool and automatically aligning an extrusion die with a profiled strand.

Art Unit: 1732

Claim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not teach or render obvious a method of making a profiled strand on a window wherein the mobile/pressing tool is engaged while the extrusion is continued.

Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not teach or render obvious a method of making a profiled strand on a window wherein first and second extruded beads are formed by uninterrupted extrusion forming a superposed region which is reshaped by a pressing/compression tool.

#### *Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (703) 308-3606. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (703) 305-5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Mark Eashoo, Ph.D.  
Primary Examiner  
Art Unit 1732

me  
25-Aug-03